

U.S. Patent Application Serial No. 09/980,329
Applicant: Talish, et al.
Amendment and Response
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REMARKS

This is a full and timely response to the non-final Office Action mailed July 14, 2005. The Office Action rejected Claims 1-24. By the present amendment and response, independent claim 1 has been amended, claim 10 has been cancelled, and claims 1-9, and 11-24 remain pending in the application. The prior rejection of the claims is respectfully traversed by the present response. Since the amended claims are neither taught or suggested by the cited references of the Office Action, all of the pending claims are patentable over the cited art. Consideration of the enclosed amendments and remarks is requested.

I. CLAIM OBJECTIONS TO CLAIMS 10-19

The Office Action objected to claims 10, 11, and 14. Claim 10 has been cancelled since the elements of claim 10 were previously incorporated into claim 1. Claim 11 has been amended to include the element, "a delivery/release system capable of introducing an ultrasound contrast agent into a portion of a patient's body." The above amendments appear to clarify the claims, and the present objections have been traversed.

II. THE 35 U.S.C. 103 REJECTIONS UNDER 35 U.S.C. 103

Claims 1-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of Unger, Unger et al., Talish, Ishikawa, Duarte, and Vago. Independent claims 1, 11, and 20 have been amended in the present response.

In particular, claim 1 was rejected under 35 U.S.C. 103(a) as being unpatentable over Duarte in view of Vago, Unger, and Ishikawa. Claim 1 has been amended to include the element, "providing a kit comprising a main operating unit, a placement module, an ultrasonic

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transducer assembly, a pouch, and a syringe.” None of the cited references disclose or suggest all of the elements of claim 1. Neither Duarte, Vago, Unger, or Ishikawa, alone or in combination with each other, disclose or suggest the element, “providing a kit comprising a main operating unit, a placement module, an ultrasonic transducer assembly, a pouch, and a syringe.” Although Duarte, Vago, and Unger describe various ultrasound treatment methods, none of these references describe providing a kit with all of the claimed elements, particularly a syringe. In addition, Ishikawa relates to an implantable drug delivery system, but does not describe delivery via a syringe. Therefore, since none of references disclose providing a kit with at least a syringe, and since no motivation has been cited to combine Ishikawa with the remaining references in view of the lack of any disclosure of delivery via a delivery/release system such as a syringe, then independent claim 1 should be allowable over the cited references.

Furthermore, independent claim 11 was rejected as being unpatentable over Duarte in view of Vago, Unger, and Ishikawa. Claim 11 has been amended to include the element, “a delivery/release system capable of introducing an ultrasound contrast agent into a portion of a patient’s body.” None of the cited references disclose or suggest all of the elements of claim 11. In particular, neither Duarte, Vago, Unger, or Ishikawa, alone or in combination with each other, disclose or suggest the element, “a delivery/release system capable of introducing an ultrasound contrast agent into a portion of a patient’s body.” Although Duarte, Vago, and Unger describe various ultrasound treatment methods, none of these references describe a delivery/release system capable of introducing an ultrasound contrast agent into a portion of a patient’s body, particularly a syringe. In addition, Ishikawa relates to an implantable drug

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delivery system, but does not describe delivery via a syringe. Therefore, since none of references disclose providing a delivery/release system such as a syringe, and since no motivation has been cited to combine Ishikawa with the remaining references in view of the lack of any disclosure of delivery via a delivery/release system such as a syringe, then independent claim 11 should be allowable over the cited references.

Moreover, independent claim 20 was rejected as being unpatentable over Duarte in view of Vago, Unger, and Ishikawa. Claim 20 has been amended to include the element, "providing a syringe capable of introducing a capsule comprising a sensor and an ultrasound contrast agent into the patient;" and "transmitting a signal to the sensor instructing the capsule to release a portion of the ultrasound contrast agent in proximity to the injury". None of the cited references disclose or suggest all of the elements of claim 20. In particular, neither Duarte, Vago, Unger, or Ishikawa, alone or in combination with each other, disclose or suggest the element, "providing a syringe capable of introducing a capsule comprising a sensor and an ultrasound contrast agent into the patient" and "transmitting a signal to the sensor instructing the capsule to release a portion of the ultrasound contrast agent in proximity to the injury." Although Duarte, Vago, and Unger describe various ultrasound treatment methods, none of these references describe a delivery/release system capable of introducing an ultrasound contrast agent into a portion of a patient's body, particularly a syringe. In addition, Ishikawa relates to an implantable drug delivery system, but does not describe delivery via a syringe. Therefore, since none of references disclose providing a delivery/release system such as a syringe, and since no motivation has been cited to combine Ishikawa with the remaining references in view of the lack of any disclosure of

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delivery via a delivery/release system such as a syringe, then independent claim 20 should be allowable over the cited references.

Assignee believes the above amendments traverse the rejections of the Office Action, and therefore, independent claims 1, 11, and 20 should be in condition for allowance.

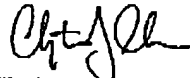
Dependent claims 2-9, 12-19, and 21-24 are ultimately dependent from at least one of the independent claims for which arguments for patentability have been provided above. For at least these reasons, the dependent claims should also be in condition for allowance.

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CONCLUSION

Claims 1-9, and 11-24 remain pending. Independent claims 1, 11, and 20 are amended by the present response. Claims 1-9, and 11-24 are now in condition for allowance. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 815-6048 if such contact will facilitate a Notice of Allowance. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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